

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7183 of 2020**

Ajay Lehre, S/o. Dorilal Lehre, aged about 24 years, R/o. Village Bartunga, Thana Dabra, District Janjgir Champa Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : The Police Station Dabra, District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant : Mr. Sanjay Agrawal, Advocate

For Respondent/State : Mr. Gurudev I. Sharan, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**26/11/2020**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.287/2020, registered at Police Station – Dabra, District – Janjgir-Champa (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix was not minor on the date of incident and the applicant intends to challenge

the ground of minority of the prosecutrix in trial. It is reflected from the statement of the prosecutrix under Section 164 of Cr.P.C. about her consensual relation with the applicant and also about the performance of marriage by them. Therefore, no case is made out against the applicant. Hence, it is prayed that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that on the date of incident, the age of the prosecutrix was only 17 years, therefore, she was not competent to give any valid consent, therefore, the act of the applicant amounts to commission of offence of rape. Therefore, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 18 years and then on pretext of marrying her, he has exploited her sexually. After recovery of the prosecutrix, she has given statement, which is the basis of registration of offence against the applicant.
6. Considered on the submissions and the facts present in the case. Considering the facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram